

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

FILED**June 17, 2022**

United States of America
v.
JEREMIAH DWYEN ASHLEY

Case No.

3:22-MJ-610-BT

KAREN MITCHELL
CLERK, U.S. DISTRICT
COURT

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 14, 2022 in the county of Dallas in the
Northern District of Texas, the defendant(s) violated:

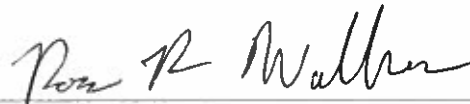
*Code Section**Offense Description*

26 U.S.C. §§ 5841
and 5861(d)

Receiving and possessing unregistered firearms

This criminal complaint is based on these facts:

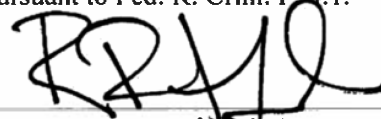
See attached affidavit of Special Agent Walker.

☒ Continued on the attached sheet.

Complainant's signature

SA Ross Walker, ATF

Printed name and title

Agent sworn and signature confirmed via reliable electronic means, pursuant to Fed. R. Crim. P. 4.1.

Date: June 17, 2022

*Judge's signature*City and state: Dallas, Texas

REBECCA RUTHERFORD, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Ross Walker, being duly sworn, depose and state that:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since November of 2016. My federal law enforcement training included completing the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (FLETC) in Glynco, GA, and the Special Agent Basic Training Program at the ATF National Academy. At the Federal Law Enforcement Training Center, I received training in federal law and procedure, physical tactics and defense, behavioral science, counterterrorism operations, and continuing case investigations and techniques. I have been involved in numerous investigations involving firearms and narcotics violations during my time as a Special Agent in the Dallas Field Division. Prior to my appointment as a Special Agent with ATF, I was an Intelligence Research Specialist with ATF for 3 years where I assisted in the investigation of crimes under ATF's purview. Prior to my employment with ATF, I served 20 years with the U.S. Navy, both combined and as a reservist as an Intelligence Officer with both Joint Special Operations Command and Naval Special Warfare.

2. I am currently assigned to the ATF Dallas Field Division, Dallas VII Field Office; and as result of my training and experience as an ATF Agent, I am familiar with federal firearm and ammunition laws. I am qualified in investigating crimes involving the advertisement, sale, and distribution of firearms subject to the provisions of the

National Firearms Act (“NFA”) and investigations involving interstate firearms and ammunition trafficking.

3. Pursuant to 18 U.S.C. § 3051, I am empowered to enforce criminal laws of the United States. As a result of my training and experience, I am familiar with federal laws including provisions of the National Firearms Act (“NFA”), including, but not limited to, violations of 26 U.S.C. §§ 5841 and 5861(d), which state that it shall be unlawful for any person to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record (NFRTR).

4. The information contained in this affidavit is based upon my personal knowledge, consultation with other ATF agents, consultation with other law enforcement officers, a review of documents and reports, interviews, and information provided to me by other law enforcement officers and agents of the United States. This affidavit is not a complete statement of all the facts related to this case. Instead, it has the limited purpose of establishing probable cause that JEREMIAH DWYEN ASHLEY violated 26 U.S.C. §§ 5841 and 5861(d) by receiving or possessing unregistered firearms on or about June 14, 2022.

INVESTIGATION AND PROBABLE CAUSE

5. The ATF is currently conducting a criminal investigation of JEREMIAH ASHLEY regarding violations of 26 U.S.C. §§ 5841 and 5861(d).

THE UNDERCOVER PURCHASE

6. On May 24, 2022, ATF Special Agents currently assigned to ATF Dallas Group VII (Dallas Violent Crime Group) received information from the Garland Police

Department (GPD) about an Instagram social media account—“2one4jay_”—advertising and selling Glock switches, sears, and firearms in the Dallas/Fort Worth area. A “Glock switch” is a device designed and intended for use in converting a semiautomatic Glock pistol into an automatic machinegun. Because a Glock switch is a “machinegun” as defined by 26 U.S.C. § 5845(b), it may be possessed by only properly licensed Federal Firearms Licensees who have paid the appropriate Special Occupational Tax (SOT) required under the NFA and must be registered in the NFRTR.¹

7. Specifically, on May 24, 2022, GPD Investigator Logan Riley indicated that Instagram user 2one4jay_ posted a photograph of approximately 16 Glock switches and other various AR-style rifles as well as pistols with attached high-capacity magazines. The phrase “4 A POP” was overlayed on a picture of Glock switches. This same Instagram account had videos of Glock pistols operating in automatic fashion utilizing a Glock switch. After Investigator Riley informed me about the advertising of Glock switches, it was agreed upon that a controlled purchase of the Glock switches

¹ Under the NFA, a “machinegun” is defined as:

[A]ny weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

26 U.S.C. § 5845(b) (emphasis added); *see also id.* § 5845(a) (defining “firearm” to include “machinegun”).

would be attempted by Investigator Riley operating in an undercover capacity that same day.

8. On May 24, 2022, Investigator Riley made contact with 2one4jay_ to arrange the purchase of three (3) Glock Switches. During the messaging conversation, 2one4jay_ stated that each Glock switch would cost \$400, bringing the total of the three devices to \$1,200. Investigator Riley agreed to the price and requested that the transaction take place at a RaceTrac gas station located at 4214 Forest Lane, Garland, Dallas County, Texas. 2one4jay_ agreed.

9. Investigator Riley arrived at the RaceTrac and informed 2one4jay_ that he was there. 2one4jay_ stated he was in a gray BMW. Investigator Riley parked his vehicle at the eastmost parking stall and waited. A few moments later, a gray BMW bearing Texas license plate PMV-0992 pulled behind Investigator Riley's vehicle and a black male got out of the driver seat. The black male's appearance was suspicious to Investigator Riley because he thought that 2one4jay_ was going to be a white Hispanic male due to the posts on Instagram. The black male got out of the driver's seat, walked around to the front passenger-side window, and received something through the slightly opened window from an occupant who was sitting there. The black male approached the driver-side window of Investigator Riley's vehicle, and the two greeted each other. The black male reached out with an open hand containing three Glock switches. Investigator Riley handed the black male the required \$1,200, which the black male took before placing the Glock switches in Investigator Riley's hand.

10. Investigator Riley asked the black male how the switch worked. The black male showed Investigator Riley how to assemble the switches and played a video on his phone of him (the black male) installing a Glock switch on a Glock pistol. Once the deal was done, the two separated and drove away from the RaceTrac.

11. Investigator Riley returned to a GPD police station, where he transferred possession of the Glock switches over to ATF SA Wasilewski. None of the Glock switches had serial numbers and, as a result, none of them could be registered in the NFRTR.

IDENTIFYING JEREMIAH ASHLEY

12. Investigator Riley found through Vigilant license plate recognition software that the gray BMW was last found to be in the parking garage at Palladium Redbird Apartments, 7202 S. Westmoreland Road, Dallas, Texas.

13. Separately, a screen shot of the undercover deal in which Investigator Riley purchased the Glock switches was sent to Texas Department of Public Safety (DPS) in an attempt to identify the black male. Texas DPS returned information based on facial recognition software identifying the black male as JEREMIAH DWYEN ASHLEY with a possible address of 7202 S. Westmoreland Road, Apt. #1240, Dallas, Texas 75237.

INTERCEPTING A SHIPMENT OF GLOCK SWITCHES

14. On June 8, 2022, ATF and GPD attempted a second undercover purchase of Glock switches from 2one4jay_. Investigator Riley initiated communication, to which 2one4jay_ responded via messaging that the Glock switches would be delivered on

Friday, June 10, 2022. Zone4jay_ sent a screen shot of UPS tracking information for a package to Investigator Riley.

15. ATF Special Agents reached out to UPS security personnel with that tracking information. UPS personnel explained that the package was one of three packages that were all part of the same shipment from a company in Taiwan and addressed to:

Jermine Ashley
7202 S. Westmoreland Rd.
Apt. #1240
Dallas, TX 75237

16. Based on my review of law enforcement databases and reports, Jermine Ashley is JEREMIAH ASHLEY's brother. The two brothers are twins and share the same birthday. A search of the NFRTR registry for any firearms registered to JEREMIAH ASHLEY or Jermine Ashley yielded no results. This search confirmed that neither JEREMIAH ASHLEY nor Jermine Ashley had any NFA firearms registered to them.

17. The destination address for the three packages also matched the address that DPS associated with JEREMIAH ASHLEY and is consistent with where Vigilant license plate tracking software tracked the gray BMW involved in the controlled purchase. UPS personnel provided investigators with the following tracking numbers for the three packages: 1Z2V83E60409097232, 1Z2V83E60415807640, and 1Z2V83E60406505251.

18. On June 10, 2022, U.S. Magistrate Judge Jeffrey L. Cureton signed a warrant authorizing the seizure and search of the three UPS packages. Investigators searched the packages at a UPS distribution center in Arlington, Texas that same day.

19. The packages contained clear baggies with disassembled Glock switches and screws inside them, as depicted in the photos below. Based on my training and experience, I believe that the sender surrounded the Glock switches in small screws to obscure the baggies' contents. I also believe that the Glock Switches were sent in three different packages to further conceal that the devices shipped are machineguns, and prohibited. Investigators limited the search to confirming that the packages contained Glock switches. However, once fully unwrapped at a later time, I determined that there were thirty (30) Glock switches inside the three packages.



THE CONTROLLED DELIVERY

20. On June 14, 2022, investigators executed a controlled delivery of the packages to the apartment located at 7202 S. Westmoreland Road, Apt. #1240, Dallas, Texas 75237. SA Wasilewski, who was undercover as a package delivery person, knocked on the apartment door and handed the packages to a black male. The occupant accepted the packages and took them inside the apartment.

21. After waiting a short period of time to give the apartment's occupants an opportunity to open the packages and review their contents, agents knocked on the apartment door and announced that they had a warrant to search the premises. Agents then searched the apartment pursuant to the warrant signed by U.S. Magistrate Judge Jeffrey L. Cureton. In the apartment, ATF Special Agents recovered the three packages that were from the controlled delivery, a Taurus G3C 9mm pistol bearing serial number ACK353665 loaded with one magazine containing 8 rounds, two empty pistol magazines, two cell phones, and various documents. All the items were found in the Master bedroom except for one cell phone and the various documents. These items were located in the master bedroom, with the exception of one of the cell phones and the documents.

22. While investigators searched the apartment, I spoke to the occupant who took possession of the three packages from SA Wasilewski. The occupant identified himself as JEREMIAH ASHLEY and provided me with a driver's license that was retrieved from the bedroom by SA's conducting the search of the apartment. I confirmed that it was ASHLEY's driver's license—bearing his name and photo. After I read ASHLEY his *Miranda* rights, he signed the advice of rights waiver and agreed to speak with me. He told me he knew that the packages contained Glock switches and that he knew what Glock switches are used for. ASHLEY also explained that the packages were intended for him, even though someone else (who he did not identify) ordered them. In addition, ASHLEY admitted that he had sold Glock switches in the past. Specifically, he said that he and his brother, Jermine Ashley, were known around the neighborhood for

dealing switches on Instagram. Finally, ASHLEY said that he used to drive a gray BMW, but that it recently had been repossessed.

23. Investigator Riley observed the search. He identified the apartment's occupant, JEREMIAH ASHLEY, as the individual from whom he bought Glock switches while undercover on May 24, 2022. Even though JEREMIAH ASHLEY and Jermine Ashley are twin brothers, they are not identical. Most significantly, the brothers have notably different heights: JEREMIAH ASHLEY is 6'-2" while Jermine Ashley is 5'-8". Furthermore, the two brothers have distinguishable faces, as depicted below. Based on these differences, Investigator Riley was confident that the person involved in the undercover purchase was JEREMIAH ASHLEY.



Figure 1 JEREMIAH ASHLEY



Figure 2 JERMINE ASHLEY

CONCLUSION

24. Based on the facts described above, I submit that there is probable cause that JEREMIAH DWYEN ASHLEY violated 26 U.S.C. §§ 5841 and 5861(d) by receiving and possessing unregistered machineguns on June 14, 2022.



ROSS R. WALKER
Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Agent sworn and signature confirmed via reliable electronic means on June 17, 2022, pursuant to Fed. R. Crim. P. 4.1.



REBECCA RUTHERFORD
United States Magistrate Judge
Northern District of Texas